IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33700 of 2007(J)

PETITIONERS:
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1. **T.PRASANNA KUMARY, W/O.M.K.LALASAN,**
   AGED 47 YEARS, JUNIOR PUBLIC HEALTH NURSE
   GRADE I, PRIMARY HEALTH CENTRE, PANAMPUZHA,
   KOTTAYAM.

2. **B.INDUKUMARI, W/O.SASIDHARAN NAIR,**
   AGED 45 YEARS, JUNIOR PUBLIC HEALTH NURSE
   GRADE I, KAKKANAD, ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT,
   HEALTH & FAMILY WELFARE DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE DIRECTOR OF HEALTH SERVICES,**
   TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 33700 of 2007

Dated this the 15th day of November, 2007

JUDGMENT

The only grievance sought to be highlighted by the learned counsel for the petitioners, when the matter was taken up today, was that they apprehend a deviation from Ext.P2 which is the final combined seniority/rank list of Junior Public Health Nurses in the matter of promotion to the post of Lady Health Inspectors. Reference is made to Ext.P3 judgment, wherein this Court had, in a writ petition filed by certain Junior Public Health Nurses Grade II, directed the Government to treat the objections filed by them in relation to Ext.P2 list under Rule 27B of Part II of KS&SSR within a period of three months from the date of receipt of a copy of this judgment. It was further directed therein that any orders issued in pursuance of or in consequence of Ext.P4 therein shall be subject to the decision that the government may take. Petitioners contend that pending disposal of the applications under Rule 27B in terms of Ext.P3 judgment, promotions may be effected strictly in enforcement of Ext.P2 seniority list subject to any revision that the government may ultimately deem it appropriate to make in relation to the seniority list.

2. In my view, a direction as sought for by the petitioner need

not be granted at this stage. In Ext.P3 judgment, I have not stayed any promotions being effected pending appropriate orders by the Government on the petition under Rule 27B. Promotions are to be effected in accordance with law by the government or the appointing authority, as the case may be. If the government decides to effect promotions, it must be done in accordance with the final seniority list. Obviously if the said list undergoes revision consequent upon the orders being passed under Rule 27B,then appropriate changes will have to be effected in that regard. Subject to this observations, the writ petition is disposed of.

V. GIRI, JUDGE

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